

## REMARKS

Status of the Claims

Claims 11-13 and 26 are canceled.

Claims 14-25 are withdrawn.

Claims 1-10 are objected to for containing non-elected subject matter.

Claims 1-10 are rejected under 35 USC 103(a).

Restriction Requirement

The restriction requirements as set forth in the December 27<sup>th</sup>, 2006 Office Action are traversed for the following reasons. There are many common features shared by the claimed compounds so that a search and examination of these compounds would not be unduly burdensome. Applicants contest, in particular, the extent of the restriction requirement. For example, the composition claims limited by the restriction requirement that  $n = 1$  fall into class 548 and thus should not require multiple, independent searches thereby making further restriction of Q and Z to a single group unnecessary.

MPEP §803.01 addresses this situation as follows.

**[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**

For the foregoing reasons, Applicants assert that examination of the entire application would not pose a serious burden, particularly where the invention is limited to  $n = 1$ . On the other hand, it is unduly burdensome and unreasonable to require Applicants to file several separate divisional applications in order to claim the novel compounds sharing the common features and common utilities as set forth in this application.

However, in order to expedite the prosecution of this application, Applicants present the above amended claims wherein  $n=1$ ,  $Q=O$ , and Z is  $-NR^{18}C(O)-$  or  $-NR^{18}C(O)NH-$ .

Amendments (and Objection)

The Examiner has objected to the claims as containing non-elected subject matter. In response, Applicants have limited the claims so that  $n=1$ ,  $Q=O$ , and Z is  $-NR^{18}C(O)-$  or  $-NR^{18}C(O)NH-$ . Variables  $R^{19}$ ,  $R^{24}$ ,  $R^{25}$ ,  $R^{25a-d}$  and  $R^{26}$  have been deleted as they are now superfluous and Applicants respectfully request withdrawal of the objection.

The nitrogen of the group -NC(O)- in variable Z of claim 8 has been amended to include the hydrogen atom mistakenly left out ("NHC(O)-"). Basis for this amendment can be found in examples 1 and 3-6.

Claim 1 has been amended to incorporate the patentable limitations of Claim 6 (variables X, R<sup>4</sup>, R<sup>4a-f</sup>, R<sup>5</sup> and R<sup>5a-f</sup>), and Claim 6 has been canceled.

Applicants believe that the amendments described herein do not add new matter, nor do they broaden the scope of the claims.

Rejection under 35 USC 103(b)

The Examiner has rejected claims 1-5 and 9-10 over Choi-Siedeski, et al. (WO99/62904) in view of with Patani et al. (Chem Rev. 1996, 3147-3176) and In re Wood (199 USPQ 137) contending that applicants' compound are obvious over the combination of references. Applicants believe that this rejection is moot in view of the limitation of Claim 1 to the patentable limitations of Claim 6 and request withdrawal of the rejection of Claims 1-5 and 9-10 for obviousness.

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is requested.

**FEES**

No fees should be due. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully Submitted,

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